

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ORDER

This 12th day of June, 2024, upon consideration of the petition for writ of habeas corpus, and after careful review of the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski, it is hereby **ORDERED** as follows:

1. The Report and Recommendation (ECF 37) is **APPROVED** and **ADOPTED**.
2. The petition for a writ of habeas corpus (ECF 22) is **DISMISSED** as untimely.¹
3. Petitioner's motion to appoint counsel (ECF 43) is **DENIED** as moot.
4. Because Petitioner has not shown denial of a federal constitutional right, nor established that reasonable jurists would disagree with this court's procedural disposition of his claims, a certificate of appealability is **DENIED**.

The Clerk of Court is requested to mark this case closed.

/s/ Gerald Austin McHugh
United States District Judge

¹ Petitioner pled *nolo contendere* in Pennsylvania state court in 2018 to charges including involuntary deviate sexual intercourse, trafficking in minors, and involuntary servitude. After multiple rounds of deficient filings and extensions, Petitioner filed a 2254 habeas petition in this court on June 30, 2023. The Commonwealth responded, and on February 9, 2024, Magistrate Judge Sitarski recommended dismissal of the petition as untimely. Several days later, the Court received a request from Petitioner for an extension to reply to the Commonwealth, dated and mailed before Judge Sitarski issued her Report & Recommendation. I therefore directed Petitioner to “combine his response to the Commonwealth with any objections he has to the Report and Recommendation” on or before May 24, 2024. ECF 41. I also warned that any objections not submitted with this response would be deemed waived. *Id.* Petitioner did not comply with this instruction, and instead filed a “petition for a certificate of appealability” on May 22, as well as a motion to appoint counsel on May 28. Although the petition for a certificate of appealability includes Petitioner’s reply to the Commonwealth, it contains no objections to the Report & Recommendation nor does it address the Report’s conclusion as to untimeliness.